REMARKS

Applicant has amended the claims 9, 11, 12 and 13 and added new claim 14. Applicant respectfully submits that the amendments to the claims are supported by the application as originally filed and do not contain any new matter. In addition, Applicant respectfully submits that these amended claims would not be properly rejected based upon the art of record for the reasons set forth below.

The Examiner has rejected the claims 9 and 10 under 35 USC 102 as being anticipated by Brown stating that Brown teaches all of Applicant's invention as claimed and particularly describes a maintenance fluid supply nozzle connected to a second fluid supply wherein the nozzle is capable of being detachably connected to the chucking structure in place of the rotary tool.

In reply to this rejection, Applicant would like to incorporate by reference his comments made in Applicant's amendment filed September 12, 2008. In addition, Applicant respectfully submits that claim 9 of Applicant's application claims that a maintenance fluid supply nozzle fluidly connected to a second fluid supply is designed so as to be detachably connected to the chucking structure in place of the rotary tool. Applicant respectfully submits that Figure 4 of Brown merely discloses a one time use capsule 30 whereby a drop of about one half cc of lubricant 5 is applied externally of the handpiece 10 so as to drop into the bur hole of the handpiece. Applicant respectfully submits that there is nothing in Brown about detachably connecting the capsule 30 in the chucking structure in place of the rotary tool. Instead, Applicant respectfully submits that it merely teaches at best, applying a drop of lubricant into the bur hole.

The Examiner has also rejected the claims 11 through 13 under 35 USC 103 as being obvious over Brown in view of De Rocchis et al. stating that Brown teaches all of the present invention except for a connector which is so designed that the handpiece is detachably connected to the connector, the connector having a feeding passage of the first supply for supplying the maintenance fluid through the first feeding passage to the bearing of the handpiece and a feeding passage of the second supply for feeding the maintenance fluid through the nozzle of the chucking structure and wherein the connector has a recycling passage and the handpiece has a feeding passage and a recycling passage wherein the

handpiece is connected to the connector, the feeding passages of the connector and the handpiece are connected to each other and the recycling passages of the connector and the handpiece are connected to each other so the maintenance fluid is fed through the feeding passages to the connector and the handpiece of the bearing of the handpiece and then collected through the recycling passages of the connector and the handpiece and wherein the nozzle has a hold for ejecting the maintenance fluid in the form of a mist; De Rocchis et al. teaches a connector which is so designed that the handpiece is detachably connected to the connector, the connector having a feeding passage of the first supply for feeding the maintenance fluid through the first feeding passage to the bearing of the handpiece and a feeding passage of the second supply capable of feeding the maintenance fluid through the nozzle to the chucking structure as illustrated in Figures 3B and 5 and wherein the connector has a recycling passage and the handpiece has a feeding passage 22 and a recycling passage 24 and when the handpiece is connected to the connector, the feeding passages of the connector and the handpiece are connected to each other and the recycling passages of the connector and the handpiece are connected to each other so that the maintenance fluid is fed through the feeding passages of the connector and the handpiece to the bearing of the handpiece and then collected through the passages of the collector and the handpiece and wherein the maintenance fluid in the form of a mist; and it would have been obvious to modify Brown in view of De Rocchis et al.

In reply to this rejection, Applicant would like to incorporate by reference his comments in his response of September 12, 2008. In addition, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Brown. In addition, Applicant has carefully reviewed De Rocchis et al. and respectfully submits that while De Rocchis et al. may disclose that the maintenance fluid is in the form of a mist, Applicant respectfully submits that Figure 3B and column 3, lines 38-41 clearly teach that the mist is sprayed onto the exterior of the handpiece and in all cases illustrated in De Rocchis et al. the handpiece is placed in the chamber so that the bur hole is facing downwardly and the mist does not go therein. Still further, at column 3, lines 39-41 it states:

"Preferably the disinfectant is dispersed as a mist which contacts the exterior of the tool."

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Accordingly, Applicant respectfully submits that neither Brown nor De Rocchis et al. teach a maintenance fluid supply nozzle connected to a fluid supply which is designed so as to be detachably connected in the chucking structure in place of the rotary tool and which injects the maintenance fluid in the form of a mist into the chucking structure.

In view of the above, therefore, it is respectfully requested that this amendment be entered, favorably considered and the case passed to issue.

Applicant further respectively and retroactively requests a three (3) month extension of time to respond to the Office Action and respectfully requests that the additional extension fee in the amount of $620.00 be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367 since Applicant has already paid the extension fee required for a two (2) month extension of time.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By: _____
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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on June 29, 2009.

William L. Androlia
Name

_____ 6/29/2009
Signature Date